

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: RN 11 24119
POSITION: Neutral

BILL NUMBER: AB 1280
AUTHOR: J. Hill

BILL SUMMARY: Ephedrine: Retail Sale

This bill would make it a misdemeanor for any retail distributor to sell or distribute to a person nonprescription products containing ephedrine or related substances, as specified. This bill would also require retailers to immediately transmit information regarding pseudoephedrine purchases to the National Precursor Log Exchange (NPLEx), as specified. This measure also includes language to avoid a potential chaptering problem relative to AB 109 (Chapter 15, Statutes of 2011). The provisions of this measure would remain in effect until January 1, 2018 unless another measure extends or repeals that timeframe.

FISCAL SUMMARY

The Department of Justice (DOJ) indicates that there would be no fiscal impact to them as a result of this bill. Any local government costs resulting from the mandate in this measure would not be state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

COMMENTS

The Department of Finance is neutral on this bill. The intent of this bill is to enhance public safety by providing for a centralized means of tracking pseudoephedrine purchases.

Existing law classifies controlled substances into five schedules and a controlled substance in any of the schedules may be possessed or dispensed only upon a lawful prescription, as specified. Existing law does not classify ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine, within any of the five schedules but provides that it is a crime for a person who engages in specified transactions involving those drugs to fail to submit a report to the DOJ of all of those transactions, or to fail to submit an application to, and obtain a permit for the conduct of that business from, the DOJ, as specified.

This bill would:

- Provide that it is a misdemeanor for any retail distributor, except pursuant to a valid prescription from a licensed practitioner with prescriptive authority, to sell or distribute to a person specified amounts of nonprescription products containing ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine within specified time limits, to sell or distribute any of those substances to a person whose information has generated an alert, or to sell or distribute to any purchaser a nonprescription product containing any amount of those substances, as specified.
- Require the secure storage and monitoring of product containing any amount of ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine, as specified.
- Require retail distributors to transmit, on and after July 1, 2012, sale information to the NPLEx for purposes of determining whether the sale would violate these provisions, and require the DOJ to enter into a memorandum of understanding with the National Association of Drug Diversion Investigators regarding the transaction records, in NPLEx, as specified.
- Provide that the information in the system may not be used for any purpose other than to meet the requirements of, or comply with, this act or a certain federal act, as specified.

Analyst/Principal (0211) J. Osborn	Date	Program Budget Manager Lisa Ann L. Mangat	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

J. Hill

RN 11 24119

AB 1280

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2011-2012	FC	2012-2013	FC	2013-2014	Code
0820/Justice	SO	No	-----	No/Minor Fiscal Impact -----				0001	
8885/Comm St Mndt	LA	No	-----	No/Minor Fiscal Impact -----				0001	